

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARMANDO FIMBREZ,

Plaintiff,

V.

FRESNO COUNTY JAIL, et al.,

Defendants

Case No. 1:24-cv-1462 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITH PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE

(Doc. 10)

Armando Fimbrez seeks to hold the defendants liable for violations of his civil rights while housed at the Fresno County Jail. (See Doc. 1.) The magistrate judge screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff failed to state a cognizable claim upon which relief may be granted. (Doc. 8.) The Court provided the relevant legal standards and granted Plaintiff an opportunity to file an amended complaint. (See *id.*) The Court also informed Plaintiff that failure to file an amended complaint would result in a recommendation of dismissal. (*Id.* at 9.) Plaintiff failed to file an amended complaint or otherwise respond to the Court.

After Plaintiff again failed to respond to the Screening Order, the magistrate judge recommended the Court dismiss the action. (Doc. 10.) In doing so, the magistrate judge reiterated the findings that Plaintiff failed to state a cognizable claim. (*Id.* at 3-9.) The magistrate judge also found Plaintiff failed to comply with the Court’s order and failed to prosecute the action. (*Id.* at 10.) The magistrate judge considered the factors identified by the Ninth Circuit in

1 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988), and found terminating sanctions are
2 appropriate for Plaintiff's inaction. (*Id.* at 10-11.) Therefore, the magistrate judge recommended
3 the Court dismiss the action for Plaintiff's failure to state a claim, failure to obey the Court's
4 orders, and failure to prosecute. (*Id.* at 11.)

5 The Court served the Findings and Recommendations on Plaintiff and notified him that
6 any objections were due within 14 days. (Doc. 10 at 11.) Although the Court served the Findings
7 and Recommendations on the address on record, the U.S. Postal Service returned the mail marked
8 "Undeliverable, [Return to Sender]- Not in Custody." Nevertheless, the Court's service upon
9 Plaintiff is deemed fully effective pursuant to Local Rule 182(f).

10 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
11 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
12 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

13 1. The Findings and Recommendations issued on May 27, 2025 (Doc. 10) are
14 **ADOPTED** in full.
15 2. This action is **DISMISSED** with prejudice for Plaintiff's failure to state a claim,
16 failure to prosecute, and failure to obey the Court's order.
17 3. The Clerk of Court is directed to close this case.

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19 IT IS SO ORDERED.

20 Dated: June 30, 2025


UNITED STATES DISTRICT JUDGE

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